

STATE OF NEVADA

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DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104
(702) 486-4504 • Fax (702) 486-4355
www.emrb.state.nv.us

March 14, 2014

**MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A board meeting of the Local Government Employee-Management Relations Board, properly noticed and posted, pursuant to the Nevada Open Meeting Law, was held on **Tuesday, March 11, 2014**, at the hour of 8:00 a.m. and continuing on **Wednesday, March 12, 2014** at the **Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada.**

The following Board members were present:

Philip E. Larson, Chairman
Sandra Masters, Vice - Chairman
Brent C. Eckersley, Esq., Board Member

Also present:

Bruce K. Snyder, EMRB Commissioner
Scott Davis, Esq., Deputy Attorney General
Eric Myers, McCracken, Stemerman, Bowen & Holsberry
Esther Rodriguez, Rodriguez Law Offices, P.C.
Michael A. Urban, The Urban Law Firm

The Agenda:

- Item 1** The Board meeting was called to order by Philip E. Larson, Chairman, on Tuesday, March 11, 2014.
- Item 2** Public Comment.
Eric Myers of the law firm of McCracken, Stemerman, Bowen & Holsberry requested that agenda item 8b be moved forward. Chairman Larson granted that request.
- Item 3** Approval of the Minutes for:
The Board approved the minutes as presented for the Board meeting held on February 11, 12 & 13, 2014.

Item 4 Hearing.

Consolidated Case No. A1-046067, International Association of Firefighters, Local 1607 v. City of North Las Vegas and Case No. A1-046069, North Las Vegas Police Officers Association v. City of North Las Vegas. *A hearing on the first part of the bifurcated case was held. Upon motion, the Board held that NRS 288.150(4) does not include financial emergencies. The Board then ordered that the second part of this bifurcated case be held in April and directed the Commissioner to set a date and notify the parties.*

Item 5 Deliberations/Discussions/Pronouncements of Orders.

A. Stipulations

1. Case No. A1-046007, Heather Hulsey v. City of North Las Vegas. *Upon motion, the Board granted the Stipulation and Order to Dismiss With Prejudice, as presented, with each side responsible for its own attorney's fees and costs.*
2. Case No. A1-046107, Education Support Employees Association vs. Clark County School District. *Upon motion, the Board granted the Stipulation to Dismiss Complaint Without Prejudice, as presented, with each side responsible for its own attorney's fees and costs.*
3. Case No. A1-046109, Nicholas Eason vs. Clark County. *Upon motion, the Board granted the Stipulation and Order To Extend Petitioner/Employee's Time to File Opposition to Respondent/Employer Clark County's Motion to Dismiss, as presented, thus extending the deadline from February 24, 2014 to March 17, 2014. Commissioner Snyder noted that the opposition that is the subject of this stipulation has already been filed with the agency.*
4. Case No. A1-046110, Laura Conklin vs. City of Reno. *Upon motion, the Board granted the Stipulation for Extension of Time to File Response to Motion to Dismiss, as presented, thus extending the deadline to March 24, 2014.*

B. Miscellaneous.

1. Case No. A1-046000, Pamela Vos v. City of Las Vegas; Las Vegas Peace Officers Association and Does 1 to 500. *Upon deliberation, the Board made a series of motions that were all approved, to wit: (1) that Respondent City of Las Vegas had not failed to comply with a prior Board order (Item No. 248) as alleged; (2) that Respondent City of Las Vegas had not engaged in bad faith bargaining over the elimination of the Senior Corrections Officer positions as alleged; (3) that Respondent City of Las Vegas did not discriminate against the Complainant based upon personal reasons as alleged; (4) that Respondent City of Las Vegas did not discriminate against the Complainant based upon her age as alleged; (5) that Respondent Las Vegas Peace Officers Association did not breach its duty of fair representation as alleged; and (6) that each side*

shall be responsible for its own attorney's fees and costs.

2. Consolidated Case No. A1-046054, North Las Vegas Police Supervisors Association v. City of North Las Vegas and A1-046080, City of North Las Vegas and North Las Vegas Police Supervisors Association and Leonard Cardinale. *Upon motion, the Board granted the motion to dismiss Leonard Cardinale as a respondent in the case.*
3. Case No. A1-046099, July Wright v. Lyon County; Jeffery A. Page, in his official capacity as Lyon County Manager; and Robert Auer, in his official capacity as Lyon County District Attorney. *Upon motion, the Board granted a hearing in the case, directing the Commissioner to schedule the hearing.*
4. Consolidated Case No. A1-045846 - A1-045864, Deborah Boland, M.D., a Local Government Employee and member of the UMC Physicians' Bargaining Unit of Nevada Service Employees Union, SEIU Local 1107, AFL-CIO, CLC, et al. vs. Nevada Service Employees Union, SEIU Local 1107, AFL-CIO and Service Employees International Union, AFL-CIO, CLC. *Deputy Attorney General Davis stated that the Board had previously granted a hearing the case. The attorneys of record in the case, Esther Rodriguez and Michael Urban, then spoke, offering alternatives as to how best to conduct the hearing, given the number of witnesses and issues. Commissioner Snyder offered that the hearing could be bifurcated, first addressing the issue of whether there is any liability on the part of the respondents. Any issues related to remedies could then be subsequently addressed. Upon motion, the Board ordered that the case be bifurcated as suggested and that a hearing on the liability issues be scheduled by the Commissioner.*

Item 6 Schedule of Board meetings

The next Board meeting is scheduled for April 22, 23 & 24, 2014 – In lieu of Case No. A1-046066, Teddi Biggs v. City of Las Vegas, which has tentatively settled, the hearing conducted in March will be continued, with the second part of the bifurcated case being held.

May 6, 7, & 8, 2014 – Hearing scheduled Case No. A1-046095, Nye County Management Employees Association v. Nye County.

June 10, 11 & 12, 2014 – Hearing scheduled Case No. A1-046099, July Wright v. Lyon County (to be held in Carson City).

July 8, 9 & 10, 2014 – Hearing scheduled Case No. A1-046106, Michael Turner v. Clark County School District.

August 19, 20 & 21, 2014 – Hearing scheduled, A1-045847 through A1-045864, Deborah Boland et al v. SEIU, Local 1107 et al.

September 9, 10, & 11, 2014
October 14, 15, & 16, 2014
November 12, 13 & 14, 2014
December 9, 10, & 11, 2014

- Item 7** Status of Cases and update of legal matters by the Nevada State Attorney General's Office. *A status report was made by Deputy Attorney General Scott Davis on pending judicial reviews. He particularly noted that a judicial review had been filed in the Clark County Marshals case; that by stipulation of the parties the judicial review of the case between the City of Las Vegas and the IAFF, involving merit pay, had been dismissed; that the case of Eric Spannbauer v. the City of North Las Vegas had been dismissed; and that the case of Jenkins v. Las Vegas Metropolitan Police Department has been appealed to the Nevada Supreme Court.*

- Item 8** Status of Cases by Commissioner.
- A. Review of open case log.
 The Commissioner presented a report on the status of the open cases.
 - B. Briefing on history and current status of election rules for elections determining employee organization representation of bargaining units. (for discussion only).
 The Commissioner, with the assistance of Deputy Attorney General Davis, gave a brief history of the election rules, noting that the rules changed by order of the Board in 2003. This led to a short discussion by the Board on the issue and possible alternatives.

- Item 9** Agency personnel, administrative & budget matters.
- A. Status report on January 22, 2014 Regulations Workshop and Open Forum.
 The Commissioner provided a short report summarizing the comments received at both the Regulations Workshop and Open Forum.
 - A. Review of progress on goals and projects.
 The Commissioner stated that the organization of the physical files has been completed and that Enterprise IT has completed an initial framing of the new website, which will now need to be reviewed by staff.
 - B. Content of minutes of Board meetings.
 The Commissioner offered alternate levels of detail to the minutes. After discussion, it was agreed to continue the minutes as has recently been done.
 - C. Accessibility and searchability of EMRB decisions.
 The Commissioner stated that the agency recently learned that the new website could hold all prior orders but that there would be no capability of making those orders searchable as requested by the user community at the recent open forum. However, he has been in contact with the Legislative Counsel Bureau and that the LCB had recently tested several orders submitted in Word format and that there would be no technical obstacle to placing the

orders on the Nevada Law Library on CD product. The Commissioner stated that the EMRB has orders in Word format going back to 2001, but that all orders prior to then are only in pdf format and would need to be re-typed in Word. He further stated that the LCB is amenable to placing the orders on its product. The Commissioner finally stated that he would be sending an e-mail to the attorneys who practice before the agency for their feedback and would report back to the Board in the near future.

Additionally, the Commissioner provided a short report to the Board on the status of the development of the FY2015-2017 budget and solicited input as to whether any substantive changes might need to be offered to Business & Industry when he meets with them in Carson City next week on this subject.

Item 10 Items for future agendas.
None.

Item 11 Public Comment.
No public comment was offered.

Respectfully submitted,



Bruce K. Snyder
EMRB Commissioner